(1)

Supreme Court, U.S.
FILED

05-403 SEP 24 2005

OFFICE OF THE CLERK

Docket Number _____

In the Supreme Court of the United States

William R. Yee Petitioner

v

Shiawassee County Board of Commissioners,
et al, respondents

On Petition for Writ of Certiorari

to the Michigan Supreme Court

Petition for Writ of Certiorari, Brief of Petitioner
Volume I of II

William R. Yee, (P35984), appearing pro se
PO Box 310, Owosso, MI 4886-0310
989-666-2878

Questions Presented.

1. Does the state of Michigan construe Part 307 of the Natural Resources and Environmental Protection Act (NREPA) with the effect of condemning private property for the private use of private parties in violation of U.S. Const, Am XIV and Am V.

Petitioner says yes, Respondents will say no.

2. Have the trial and appellate courts in the state of Michigan applied unpublished cases and the law of the case to create a body of law that misconstrues constitutionally correct state statutes with the effect of violating U.S Const, Am XIV and Am V?

Petitioner says yes, Respondents will say no.

3. Have the trial and appellate courts in the state of Michigan so far departed from the accepted and usual course of judicial proceedings as to overcome this court's reluctance to address errors in application of state laws and findings of fact?

Petitioner says yes, Respondents will say no.

4. Should this court address this case as representative of a multitude of cases in this country that deny justice in the courts of this country?

Petitioner says yes, Respondents will say no.

5. Should this court refer this matter to the United States Attorney General for prosecution?

Petitioner says yes, Respondents will say no.

A list of all parties:

IN RE LAKE LEVEL FOR BAMBI LAKE SHIAWASSEE COUNTY, Petitioner-Appellee, BAMBI LAKE ASSOCIATION, Respondent-Appellee, and WILLIAM R. YEE, Respondent-Appellant. SC: 127506; COA: 244794; Shiawassee CC: 00-005032-CZ

Petitioners in the trial court, respondents in the United States Supreme Court:

1. Shiawassee County Board of Commissioners, Petitioners in 35th Circuit Court, respondent in United States Supreme Court; 2. Shiawassee County Drain Commissioner, Petitioner in 35th Circuit Court, respondent in United States Supreme Court;

Respondents in the trial court and in United States Supreme Court:

3. Eva Cummings, Respondent/Respondent;
4. Bryan Jackson, Respondent/Respondent;
5. Kelly Jackson, Respondent/Respondent;
6. Edward Flynn, Respondent/Respondent;
7. Jacqueline Flynn, Respondent/Respondent;
8. Inez Ross, Respondent/Respondent;
9. Lois Whalen, Respondent/Respondent;
10. George Braidwood, Jr., Respondent/Respondent;
11. Cindy Braidwood, Jr., Respondent/Respondent;

12. George Braidwood, Sr., Respondent/Respondent;
13. Rosemary Braidwood, Sr., Respondent/Respondent;
14. Jerry Shorna, Respondent/Respondent;
15. Letha Shorna, Respondent/Respondent;
16. Kim Call,Respondent/Respon...t;
17. Eric King, Respondent/Respondent;
18. Melody King, Respondent/Respondent;
19. Norma Power, Respondent/Respondent;
20. James P. Edwards, Respondent/Respondent;
21. Joyce A. Edwards, Respondent/Respondent;
22. Christopher Pearce Angle, Respondent/Respondent;
23. June Merece Angle, Respondent/Respondent;
24. David Gingery, Respondent/Respondent;
25. Michelle Gingery; Respondent/Respondent;
26. Westerly Tressler, Respondent/Respondent;

Respondent Below and Petitioner in the United States Supreme Court:

27. William R. Yee Respondent/Petitioner

Non parties served:
28. Judge Lostracco; 29. Judge Tahvonen;
30. Michigan Supreme Court;
31. Michigan Court of Appeals;
32. 35th Circuit Court, Shiawassee County Michigan

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Table of Unpublished Casese:

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tax costs against the Petitioner William R. Yee in the amount of $1,971.25 for Braidwood et al.
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Order October 29th, 2002, to set the normal level of Bambi Lake at 800.67 feet above mean sea level; to prepare a tax district and maintenance plan, and no sanctions against Petitioner Yee except for costs to the prevailing parties;

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Order of February 11th, 2002 denying Petitioner Yee's motion for summary judgment and dismissal pursuant to MCR 2.116(C)(4)(6)(8)(10);

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Order of 15th day of May, 2001 DENYING MOTION FOR SUMMARY DISPOSITION by Petitioner;

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Order of November, 2001 Adding necessary parties, not signed,

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I. Statement of basis for jurisdiction:

> Two-thirds of the residents along Bambi Lake - the association - petitioned the county board to initiate this proceeding. The county board directed the drain commissioner to hire the Spicer Group to survey the lake and conduct apreliminary study considering the requisite factors in MCL 324.30707(4). The proper notice was published and a member of the public appeared at the trial and was allowed to testify,

UNPUBLISHED, September 28, 2004, COA No. 244794, Shiawassee Circuit Court, LC No. 00-005032-CZ, Before: Hoekstra, P.J., and Cooper and Kelly, JJ, PER CURIAM, Appendix Pages 8-25.

On June 14th, 1999 the Shiawassee County Commissioners filed a petition to establish the normal elevation of Bambi Lake, aka Cummings Lake, behind Cummings Dam, Dam Construction Permit 70-7, pursuant to Inland Lake Level Act of 1961 (ILLA),* repealed by 1994 PA 451, § 90103 and now Part 307 of the NREPA., Shiawassee Circuit Court Case No. 00-5032-CZ, the case below.

On 6-21-00 Petitioner Yee filed a motion to disqualify Judge Lostracco.

On 6-30-00 Petitioner Yee filed an appearance, an answer to the petition, and a motion for summary judgment.

On 9-5-00 and 9-8-00 orders of disqualification were filed removing Judge Lostracco.

On 10-11-00 a notice of assignment to Judge Randy Tahvonen P23411 was filed.

On 11-6-00 Petitioner Yee filed a MCR 8.111 motion to transfer this case to Judge Fullerton, which the trial court denied, Appendix pp. 33-34

On 12-13-00 Petitioner Yee filed a motion to reconsider the motion to transfer to Judge Fullerton.

On 12-18-00 the court filed an order denying reconsideration.

On 6-1-01 and 6-5-01 Petitioner Yee filed supplemental materials in support of motion for summary judgment and dismissal. This included the Complaint in 35th Circuit Court Case No. 99-4120-CZ, *Yee v Shiawassee Co Bd* of *Comm'rs,* 251 Mich App 379; 651 NW2d 756 (2002), lv den 468 Mich 852, cert den 124 S Ct 538; 157 L Ed 2d 409 (2003).

On 2-11-02 the court signed an order denying summary judgment, Appendix pages 30-31.

On 5-17-02 Petitioner Yee filed a motion for summary judgment and dismissal.

On 5-31-02 Petitioner Yee filed a trial brief and motion for summary judgment and dismissal.

On 6-4, 6-4, 6-6, 6-7, and 6-12-02 the court below conducted a bench trial.

On 6-18-02 the court below entered an order denying a motion for summary judgment and dismissal.